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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ALPHA & OMEGA SEMICONDUCTOR,
INC., a California corporation; and
ALPHA & OMEGA SEMICONDUCTOR,
LTD., a Bermuda corporation,

Plaintiffs and Counterdefendants,

v.

FAIRCHILD SEMICONDUCTOR
CORP., a Delaware corporation,

Defendant and Counterclaimant.

AND RELATED COUNTERCLAIMS.

Case No. C 07-2638 JSW
(Consolidated with Case No. C-07-2664 JSW)

**AMENDED JOINT CLAIM
CONSTRUCTION AND PRE-HEARING
STATEMENT**

Date: June 4, 2008
Time: 2:00 p.m.
Location: Courtroom 2, 17th Floor
Judge: Hon. Jeffrey S. White

Pursuant to Patent L.R. 4-3 and the Court's scheduling Order, plaintiffs and counterdefendants Alpha & Omega Semiconductor, Ltd., and Alpha & Omega Semiconductor, Inc., (collectively, "AOS") and defendant and counterclaimant Fairchild Semiconductor Corporation ("Fairchild") submit this Amended Joint Claim Construction and Prehearing Statement ("Joint Statement").

I. PATENT LOCAL RULE 4-3(a): AGREED CLAIM CONSTRUCTIONS

The parties have set forth the constructions of those claim terms, phrases or clauses on which the parties agree for the asserted claims of the patents-in-suit in Exhibit A attached hereto.

II. PATENT LOCAL RULE 4-3(b): PROPOSED CONSTRUCTION OF DISPUTED CLAIM TERM, PHRASE OR CLAUSE

At the Case Management Conference held on February 1, 2008, the Court denied the parties' joint request to construe 17 disputed claim terms, phrases or clauses, initially limiting claim construction to a total of ten terms, phrases or clauses. The parties have therefore set forth their proposed constructions and supporting evidence for ten disputed terms in Exhibit B attached hereto.

The parties have not been able to agree on the constructions of the following seven terms¹ for which the parties may renew their request to seek construction at a later date:

Reserved term, phrase or clause	Found in patent/claim:
substantially reduced so as to decrease the gate threshold voltage of said trench gate; and substantially reduced so as to decrease the gate threshold voltage of said gate	5,907,776, claims 13, 25
spaced from said diffusion boundary	5,907,776, claims 1, 13, 25
for etching said active layer	5,930,630, claim 1
a doped well ... formed into the substrate to a depth that is less than the predetermined depth of the trench;	6,429,481, claim 1 6,710,406, claim 1 6,828,195, claim 1

¹ Fairchild contends that two of the terms ("substantially reduced so as to decrease the gate threshold voltage of said trench gate/substantially reduced so as to decrease the gate threshold voltage of said gate" and "for etching said active layer") are indefinite and are not properly the subject of a claim construction hearing. AOS contends that these two terms are not indefinite and should be the subject of a claim construction hearing.

1	a doped well ... formed into the substrate to a second depth that is less than said first depth of the trench;	7,148,111, claim 29
2		
3	a doped well in the substrate to a second depth that is less than said first depth of the plurality of trenches;	
4		
5	a well between adjacent trenches to a second depth that is shallower than the first depth; and	
6		
7	a plurality of doped wells ... respectively to a second depth that is less than said first depth of the plurality of trenches	
8		
9	self-aligned	5,930,630, claim 1
10	implant ²	6,828,195, claims 8, 9 7,148,111, claims 30, 31
11		
12	termination region	6,818,947, claims 1, 5

III. PATENT LOCAL RULE 4-3(c): ANTICIPATED LENGTH OF CLAIM CONSTRUCTION HEARING

Fairchild and AOS expect they will each require 90 minutes at the claim construction hearing, for a total hearing length of three hours. If one or both of the parties changes its position and decides a longer period of time is warranted during the course of discovery and briefing, the party or parties will seek the Court's approval pursuant to the Court's Standing Order for Patent Cases ¶ 12.

IV. PATENT LOCAL RULE 4-3(d): WITNESSES TO BE CALLED AT THE CLAIM CONSTRUCTION HEARING

The parties do not anticipate presenting live testimony at the Claim Construction Hearing. If one or both of the parties changes its position during the course of discovery and briefing, the party or parties will seek the Court's approval pursuant to the Court's Standing Order for Patent Cases ¶ 10.

V. PATENT LOCAL RULE 4-3(e): ISSUES FOR PREHEARING CONFERENCE

At this time, the parties do not anticipate the need for the scheduling of a Claim

² This term was not included in AOS's Proposed Terms and Claim Elements for Construction Under Patent L.R. 4-1, which included "double implant process" ('195 patent, claims 8, 9) instead of implant.

1 Construction Prehearing Conference. If one or both of the parties changes its position during the
2 course of discovery and briefing, the party or parties will seek the Court's approval pursuant to
3 the Court's Standing Order for Patent Cases ¶ 8.

4 **VI. PATENTS IN SUIT**

5 Pursuant to the Court's Standing Order for Patent Cases ¶ 2, the nine patents-in-suit are
6 included as attachments. Attached as exhibits C, D, and E are AOS patents 5,767,567, 5,907,776,
7 and 5,930,630. Attached as exhibits F, G, H, I, J, and K are Fairchild patents 6,429,481,
8 6,521,497, 6,710,406, 6,828,195, 7,148,111, and 6,818,947.

9 The parties will make the complete prosecution histories of the patents available to the
10 Court upon request.

11
12 Dated: April 18, 2008

MORGAN, LEWIS & BOCKIUS LLP

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14 By: /s/ Andrew J. Wu

15 Andrew J. Wu
16 Attorneys for Plaintiffs and
17 Counterdefendants
18 ALPHA & OMEGA SEMICONDUCTOR,
19 LTD., AND ALPHA & OMEGA
20 SEMICONDUCTOR, INC.

21
22 Dated: April 18, 2008

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24 By: /s/ Eric P. Jacobs

25 Eric P. Jacobs
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GENERAL ORDER ATTESTATION

I, Andrew J. Wu, am the ECF user whose ID and password are being used to file this AMENDED JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT. In compliance with General Order 45, X.B., I hereby attest that Eric P. Jacobs has concurred in this filing.

/s/ Andrew J. Wu
Andrew J. Wu